



MERCHANT & GOULD P.C.
United States Patent Application
COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:
ALKALINE STORAGE BATTERY

The specification of which

- a. ☒ is attached hereto
b. ☐ was filed on _____ as application serial no. _____ and was amended on _____ (if applicable) (in the case of a PCT-filed application) described and claimed in international no. _____ filed and as amended on _____ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☐ no such applications have been filed.
b. ☒ such applications have been filed as follows:

| FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119 | | | |
|--|--------------------|--------------------------------------|-------------------------------------|
| COUNTRY | APPLICATION NUMBER | DATE OF FILING (day, month, year) | DATE OF ISSUE (day, month, year) |
| Japan | 2002-186724 | 26 June 2002 | |
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| ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S) | | | |
| COUNTRY | APPLICATION NUMBER | DATE OF FILING (day, month, year) | DATE OF ISSUE (day, month, year) |
| | | | |
| | | | |

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. APPLICATION NUMBER | DATE OF FILING (day, month, year) | STATUS (patented, pending, abandoned) |
|-------------------------|-----------------------------------|---------------------------------------|
| | | |

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

| U.S. PROVISIONAL APPLICATION NUMBER | DATE OF FILING (Day, Month, Year) |
|-------------------------------------|-----------------------------------|
| | |

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

| | | | |
|-----------------------------|-----------------|-----------------------|--------------------|
| Albrecht, John W. | Reg. No. 40,481 | Larson, James A. | Reg. No. 40,443 |
| Anderson, Gregg I. | Reg. No. 28,828 | Lasky, Michael B. | Reg. No. 29,555 |
| Ansems, Gregory M. | Reg. No. 42,264 | Liepa, Mara E. | Reg. No. 40,066 |
| Batzli, Brian H. | Reg. No. 32,960 | Lindquist, Timothy A. | Reg. No. 40,701 |
| Beard, John L. | Reg. No. 27,612 | Lynch, David W. | Reg. No. 36,204 |
| Black, Bruce E. | Reg. No. 41,622 | Marschang, Diane L. | Reg. No. 35,600 |
| Blasdell, Thomas L. | Reg. No. 31,329 | McDaniel, Karen D. | Reg. No. 37,674 |
| Bogucki, Raymond A. | Reg. No. 17,426 | McDonald, Daniel W. | Reg. No. 32,044 |
| Bruess, Steven C. | Reg. No. 34,130 | McIntyre, Iain A. | Reg. No. 40,337 |
| Byrne, Linda M. | Reg. No. 32,404 | Mueller, Douglas P. | Reg. No. 30,300 |
| Carlson, Alan G. | Reg. No. 25,959 | Nelson, Albin J. | Reg. No. 28,650 |
| Caspers, Philip P. | Reg. No. 33,227 | Pauly, Daniel M. | Reg. No. 40,123 |
| Chiapetta, James R. | Reg. No. 39,634 | Phillips, John B. | Reg. No. 37,206 |
| Clifford, John A. | Reg. No. 30,247 | Plunkett, Theodore | Reg. No. 37,209 |
| Cochran, William W. | Reg. No. 26,652 | Pytel, Melissa J. | Reg. No. 41,512 |
| Daignault, Ronald A. | Reg. No. 25,968 | Reich, John C. | Reg. No. 37,703 |
| Daley, Dennis R. | Reg. No. 34,994 | Reiland, Earl D. | Reg. No. 25,767 |
| Dalglish, Leslie E. | Reg. No. 40,579 | Rittmaster, Ted R. | Reg. No. 32,933 |
| Daulton, Julie R. | Reg. No. 36,414 | Schmaltz, David G. | Reg. No. 39,828 |
| DeVries Smith, Katherine M. | Reg. No. 42,157 | Schuman, Mark D. | Reg. No. 31,197 |
| DiPietro, Mark J. | Reg. No. 28,707 | Schumann, Michael D. | Reg. No. 30,422 |
| Edell, Robert T. | Reg. No. 20,187 | Scull, Timothy B. | Reg. No. 42,137 |
| Epp Ryan, Sandra | Reg. No. 39,667 | Sebald, Gregory A. | Reg. No. 33,280 |
| Funk, Steven R. | Reg. No. 37,830 | Skoog, Mark T. | Reg. No. 40,178 |
| Glance, Robert J. | Reg. No. 40,620 | Soderberg, Richard | Reg. No. P- 43,352 |
| Golla, Charles E. | Reg. No. 26,896 | Sumner, John P. | Reg. No. 29,114 |
| Gorman, Alan G. | Reg. No. 38,472 | Sumners, John S. | Reg. No. 24,216 |
| Gould, John D. | Reg. No. 18,223 | Tellekson, David K. | Reg. No. 32,314 |
| Gregson, Richard | Reg. No. 41,804 | Trembath, Jon R. | Reg. No. 38,344 |
| Gresens, John J. | Reg. No. 33,112 | Underhill, Albert L. | Reg. No. 27,403 |
| Hamre, Curtis B. | Reg. No. 29,165 | Vandenburgh, J. Derek | Reg. No. 32,179 |
| Hillson, Randall A. | Reg. No. 31,838 | Vradenburgh, Anna M. | Reg. No. 39,868 |
| Holzer, Jr., Richard J. | Reg. No. 42,668 | Welter, Paul A. | Reg. No. 20,890 |
| Johnston, Scott W. | Reg. No. 39,721 | Wahl, John R. | Reg. No. 33,044 |
| Kadievitch, Natalie D. | Reg. No. 34,196 | Whipps, Brian | Reg. No. 43,261 |
| Kastelic, Joseph M. | Reg. No. 37,160 | Wickhem, J. Scot | Reg. No. 41,376 |
| Kettelberger, Denise | Reg. No. 33,924 | Williams, Douglas J. | Reg. No. 27,054 |
| Knearl, Homer L. | Reg. No. 21,197 | Witt, Jonelle | Reg. No. 41,980 |
| Kowalchyk, Alan W. | Reg. No. 31,535 | Wood, William J. | Reg. No. 42,236 |
| Kowalchyk, Katherine M. | Reg. No. 36,848 | Xu, Min S. | Reg. No. 39,536 |
| Kubota, Glenn M. | Reg. No. 44,197 | | |
| Lacy, Paul E. | Reg. No. 38,946 | | |

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | | | |
|----------------------------|----------------------------|---|-----------------------------------|---|
| 2 | Full Name Of Inventor | Family Name KOMORI | First Given Name Katsunori | Second Given Name |
| 0 | Residence & Citizenship | City Aichi | State or Foreign Country Japan | Country of Citizenship Japan |
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| Signature of Inventor 201: | | | Date: June 16, 2003 | |
| 2 | Full Name Of Inventor | Family Name OGATA | First Given Name Yoshiaki | Second Given Name |
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| Signature of Inventor 203: | | | Date: June 16, 2003 | |
| 2 | Full Name Of Inventor | Family Name MAEGAWA | First Given Name Katsunori | Second Given Name |
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| Signature of Inventor 204: | | | Date: June 16, 2003 | |
| 2 | Full Name Of Inventor | Family Name FUJIOKA | First Given Name Noriyuki | Second Given Name |
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| 6 | Post Office Address | Post Office Address c/o TOYOTA JIDOSHA KABUSHIKI KAISHA, 1, Toyota-cho, Toyota-shi | | State & Zip Code/Country Aichi 471-8571/JAPAN |
| Signature of Inventor 206: | | | Date: June 23, 2003 | |

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| 2 | Full Name Of Inventor | Family Name TAKAHASHI | First Given Name Yasuhiro | Second Given Name |
| 0 | Residence & Citizenship | City Aichi | State or Foreign Country Japan | Country of Citizenship Japan |
| 7 | Post Office Address | Post Office Address c/o TOYOTA JIDOSHA KABUSHIKI KAISHA, 1, Toyota-cho, Toyota-shi | | State & Zip Code/Country Aichi 471-8571/JAPAN |
| Signature of Inventor 207: Yasuhiro Takahashi | | | Date: June 16, 2003 | |

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application:

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with any one to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



VERIFICATION OF TRANSLATION

U.S. Patent Application Serial No.: Unknown

Title of the Invention:

ALKALINE STORAGE BATTERY

I, Shigeru KURODA, maintaining my place of business at IKEUCHI-SATO & PARTNER PATENT ATTORNEYS, 26th Floor, OAP TOWER, 8-30, Tenmabashi 1-chome, Kita-ku, Osaka-shi, Osaka 530-6026, JAPAN, hereby certify that the attached pages of English text are a true and correct translation of Japanese language patent application filed on June 26, 2003 entitled ALKALINE STORAGE BATTERY.

I state that this is correct to the best of my knowledge and belief.

At Osaka, Japan

Dated this July 25, 2003

Shigeru KURODA

15535 U.S. PTO
10/607581
06/26/03

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

Applicant: KOMORU et al.
For: ALKALINE STORAGE BATTERY
Docket No.: 10873.1265US01

Express Mail No.: EV 347848000 US
Date of Deposit: June 26, 2003

- ☒ Transmittal sheet, in duplicate, containing Certificate under 37 CFR 1.10.
- ☒ Utility Patent Application: Spec. 12 pgs; 15 claims; Abstract 1 pg.
- ☒ 6 sheets of formal drawings
- ☒ Certified copy of a Japanese application, Serial No. 2002-186724, filed June 26, 2002, the right of priority of which is claimed under 35 U.S.C. 119
- ☒ A signed Combined Declaration and Power of Attorney
- ☒ Assignment to the Invention of MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD., and TOYOTA JIDOSHA KABUSHIKI KAISHA, Recordation Form Cover Sheet
- ☒ Application Data Sheet, 9 pages.
- ☒ Return postcard

☒ PAYMENT OF THE FILING FEE IS BEING DEFERRED.

Patent

DPM/jh